

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

**COMBE INC.,
Plaintiff,**

v.

**DR. AUGUST WOLFF GMBH & CO.
KG ARZNEIMITTEL,
Defendant.**

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Civil Action No. 1:17-cv-00935

ORDER

This matter came before the Court for a bench trial on plaintiff's action, brought pursuant to U.S.C. § 1071(b)(1), seeking reversal of the Trademark Trial and Appeal Board's decision dismissing plaintiff's opposition to defendant's application to register the VAGISAN mark. On May 23, 2019, the Court's Findings of Fact and Conclusions of Law ("FFCL") were filed under seal, and Judgment was entered in favor of plaintiff in accordance with Rule 58, Fed. R. Civ. P.

By Order dated May 23, 2019, the parties were directed to identify what information, if any, contained in the FFCL that the parties contend must be redacted in the copy of the FFCL that is filed in the public record in order to preserve the confidentiality of commercially sensitive data. In response, plaintiff filed a pleading reflecting that plaintiff did not contend any information needed to be redacted (Dkt. 142). Defendant also filed a pleading (Dkt. 143), which requested to redact only the sales figure corresponding to Target Corporation's sales of the UP & UP-branded Vagicare product that is listed in paragraph 44 of the FFCL. Because Target Corporation, a nonparty to this action, designated that sales figure as Highly Confidential-Attorneys' Eyes Only pursuant to the Protective Order entered in this case (Dkt. 41), it is appropriate to redact the sales figure in the copy of the FFCL that will be filed in the public record.

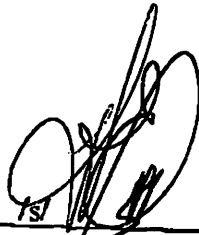
Accordingly, for good cause,

It is hereby **ORDERED** that defendant's request to redact the sales figure corresponding to Target Corporation's sales of the UP & UP-branded Vagicare product that is listed in paragraph 44 of the FFCL is **GRANTED** and will be reflected in the copy of the FFCL entered in the public record.

The Clerk is directed to maintain under seal the exhibits introduced into evidence in this case labeled DTX 0205 and DTX 0206, which reflect Highly Confidential-Attorneys' Eyes Only sales information submitted by Target Corporation.

The Clerk is further directed to send a copy of this Order to all counsel of record.

Alexandria, Virginia
June 3, 2019



T. S. Ellis, III
United States District Judge